



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, 14 जुलाई, 1987/23 आषाढ़, 1909

हिमाचल प्रदेश सरकार

पंचायती राज विभाग

ग्रधिसूचना

शिमला-2, 14 जुलाई, 1987

संख्या पी० सी० एच०-एच० ए० (1) 8/87.—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश पंचायती राज ऐक्ट, 1968 (1970 का 19) की धारा 63 के खण्ड (बी) और धारा 74 के अध्वयन सहित धारा 163 (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सरकार की ग्रधिसूचना संख्या 4/2/71-सी० डी० पी० (पी० एन० टी०-II), तारीख 2 जुलाई, 1973 द्वारा तारीख 27 अगस्त, 1973 के राजपत्र (असाधारण), हिमाचल प्रदेश में ग्रधिसूचित हिमाचल प्रदेश पंचायत समिति (कोषापशन आक मेम्बरज) रूल्ज, 1973 में और संशोधन करने के लिए, जिनका यथा अपेक्षित तारीख 24 जून, 1987 के राजपत्र (असाधारण),

हिमाचल प्रदेश में पूर्व प्रकाशित किया जा चुका है, निम्नलिखित नियम बनाते हैं, अर्थात्:—

THE HIMACHAL PRADESH PANCHAYAT SAMITIS (CO-OPTION OF MEMBERS) (AMENDMENT) RULES, 1987

Short title
and com-
mencement.

1. (1) These rules may be called the Himachal Pradesh Panchayat Samitis (Co-option of Members) (Amendment) Rules, 1987.

(2) These shall come into force at once.

Amend-
ment of
rule 2.

2. For the existing clause (c) of rule 2 of the Himachal Pradesh Panchayat Samitis (Co-option of Members) Rules, 1973 (hereinafter referred to as the "said rules") the following shall be substituted, namely:—

"(c) 'Primary member' means a member referred to in clause (a) of section 63 of the Act.

Substitu-
tion of rule
3.

3. For the existing rule 3 of the said rules, the following shall be substituted, namely:—

"3. (1) As soon as possible after the oath is taken by the Pradhans of Gram Panchayats under section 10 of the Act, the Deputy Commissioner concerned or any Gazetted Officer appointed by him in this behalf (hereinafter referred to as 'Presiding Officer'), shall convene a meeting of all the primary members at the office of the Panchayat Samiti or at such other place as he may determine in this behalf for the purpose of oath or affirmation of allegiance as provided under section 68 and for co-opting members as required under clause (b) of section 63. Such meeting shall be convened after giving five days' clear notice to the primary members.

(2) The notice referred to in sub-rule (1) shall state:—

(i) the date, time and place of meeting;

(ii) the number of women elected as Pradhans, and the number, if any, of women to be co-opted under sub-clause (i) of clause (b) of section 63;

(iii) the number of persons belonging to Scheduled Castes, elected as Pradhans and the number, if any, of such persons to be co-opted under sub-clause (ii) of clause (b) of section 63; and

(iv) two persons to be co-opted under sub-clause (iii) of clause (b) of section 63, out of the office bearers of the co-operative societies within the jurisdiction of the Panchayat Samiti.

(3) Soon after the names of the members, co-opted under clause (b) of section 63, are notified and published in the Official Gazette, but before the election of the chairman and vice-chairman of the Panchayat Samiti, the Deputy Commissioner or any gazetted officer, appointed by him, shall notify the time, date and place for the purpose of administering oath or affirmation of allegiance to such co-opted members and administer the same on the date and place so appointed."

4. For the existing sub-rule (2) of rule 5 of the said rules, the following shall be substituted, namely:— Amendment of rule 5.

“(2) Only those persons may be proposed for co-option under sub-clause (i) and (ii) of clause (b) of section 63 who are panches and for co-option under sub-clause (iii) of clause (b) of section 63 who are office bearers of co-operative societies within the territorial jurisdiction of the Panchayat Samiti.”

5. For the existing rule 6 of the said rules, the following shall be substituted, namely:— Substitution of rule 6.

“6. (1) The Presiding Officer shall read out the particulars of the persons proposed to be co-opted to all the Primary Members present and also to explain to them,—

- (a) the purpose for which the meeting has been called;
- (b) the number of women, persons belonging to Scheduled Castes and office bearers of Co operative Societies to be co-opted;
- (c) the disqualifications laid down in sections 63 and 64 of the Act; and
- (d) the need to co-opt only those persons who have agreed to serve on the Panchayat Samiti if co-opted.

(2) After satisfying himself that the persons whose names have been proposed are eligible for being co-opted, the Presiding Officer shall, if the number of Scheduled Caste candidates or women candidates or persons representing co-operative societies is equal to or less than the number of persons belonging to these categories, to be co-opted, declare such candidates as co-opted and if the number of candidates exceeds the number of persons to be co-opted, he shall call upon all the Primary Members to co-opt the members by secret ballot in the manner hereinafter laid down.”

6. For the existing rule 7 of the said rules, the following rule 7 shall be substituted, namely:— Substitution of rule 7.

“7. (1) The Presiding Officer shall provide at the place, where the meeting is held, three voting compartments, one for women candidates, one for Scheduled Caste candidates and the third for persons representing Co-operative Societies, to be co-opted, in which members can cast their votes without being overseen. The Presiding Officer shall also provide three sealed ballot boxes, one for each category and shall place them in such a manner that they can be visible to him during polling. The ballot boxes shall be so made that ballot papers can be inserted therein but cannot be withdrawn therefrom without the boxes being unlocked or opened.

(2) Immediately before the commencement of the poll, the Presiding Officer shall show the ballot boxes in an open

condition to all the members present, so that they may check up that the boxes are empty. The Presiding Officer shall thereafter lock the ballot boxes and affix his seal upon them in such a manner as to prevent their being opened without breaking seals.

(3) Every member wishing to vote shall be supplied under his signatures with a ballot paper in Form 'B' for the co-option of women, a ballot paper in Form 'C' for the co-option of persons belonging to Scheduled Castes and a ballot paper in Form 'C-1' for the co-option of persons representing Co-operative Societies, on which the names of the contesting candidates shall be printed, typed or legibly written in "Hindi" in alphabetical order. The ballot papers shall be signed by the Presiding Officer before being handed over to the members. The ballot paper for the co-option of Scheduled Castes candidates shall be supplied after the member has exercised his right to vote for the co-option of women candidates, and ballot paper for co-option of persons representing Co-operative Societies thereafter.

(4) The member shall, on receiving the ballot paper, proceed to the place set apart for voting and place a cross mark ("X") in column (3) of the ballot paper against the name or names of the candidates for whom he wishes to vote, with a red or blue pencil.

(5) Each member shall have a right to cast as many votes for Scheduled Caste candidates as there are number of persons belonging to such castes to be co-opted and as many votes for women candidates as the number of women to be co-opted and two votes for persons representing Co-operative Societies to be co-opted.

(6) He/She shall then fold the ballot paper to ensure secrecy, and insert it in the ballot box.

(7) In case of a member who is illiterate or blind or otherwise physically incapacitated from voting, the Presiding Officer shall, on his or her request, take him or her to the place set apart for voting, after ascertaining his or her choice, and mark the ballot paper accordingly, fold it to ensure secrecy and insert it in the ballot box.

(8) The Presiding Officer shall cause all necessary arrangements to be made as will ensure secrecy of the ballot.

(9) Every member wishing to cast his vote shall do so in person and not by proxy.

(10) Immediately after the voting is over, the Presiding Officer shall open the ballot boxes and count the votes, separately for women, Scheduled Castes and the Co-operative Societies candidates

in the presence of such members who may be present and declare the results in the following manner:—

- (a) the candidate who is found to have obtained the largest number of valid votes, or if more than one is to be co-opted, the candidates upto the number of persons to be co-opted who are found to have obtained the largest number of valid votes shall be declared to have been co-opted, and
- (b) in the event of a number of contesting candidates polling the same number of votes, the Presiding Officer shall draw lots in the presence of members and the candidate or candidates whose name or names is or are first drawn shall be declared to have been duly co-opted.

(11) The results shall be declared in Form 'D'.

7. For the existing Form 'A' appended to the said rules, the following shall be substituted, namely:—

Substitution
of Form 'A'.

"FORM 'A'

(See rule 5)

1. Name of the district
2. Name of the Panchayat Samiti.....
3. Name of persons proposed.....
4. Age
5. Sex.....
6. Address.....
7. Caste to which he/she belongs.....
8. Co-operative society of which he is an office bearer.....
9. Full name and particulars of proposer with name of the Panchayat he represents.....
10. Full name and particulars of seconder with name of the Panchayat he represents.....

Note.—Item 7 is to be filled up only in the case of members of Scheduled Castes and item 8 to be filled up only in case of persons representing co-operative societies.

DECLARATION BY PROPOSER AND SECONDER

We, the proposer and seconder, hereby declare that the person proposed does not suffer from any of the disqualifications laid down in sections 63 and 64 of the Himachal Pradesh Panchayati Raj Act, 1968 and that he/she is willing to serve as a member of the Panchayat Samiti, if co-opted.

We further declare that the person proposed is eligible under sub-rule (2) of rule 5 of the Himachal Pradesh Panchayat Samitis (Co-option of Members) Rules, 1973 for being co-opted as a member.

Dated:

Signature of Proposer
(Name and address)

Signature of Secunder
(Name and address)

DECLARATION BY THE CANDIDATES

I,....., the above-mentioned candidate, hereby assent to this nomination and declare that I am prepared to serve as a member of the Panchayat Samiti.....if co-opted.

Date:

(Signature of candidate).

Addition of
Form C-I.

8. After Form 'C' appended to the said rules, the following new Form "C-I" shall be added, namely:—

"FORM 'C-I'"

[See sub-rule (3) of rule 7]

BALLOT PAPER FOR CO-OPTION OF PERSONS REPRESENTING
CO-OPERATIVE SOCIETIES

S. No.	Name and particulars of candidates	For mark (x) by voter
1.	
2.	
3.	
4.	

Signature of Presiding Officer."

Substitution
of Form 'D'.

9. For the existing Form 'D' appended to the said rules, the following shall be substituted, namely:—

"FORM 'D'"

[See sub-rule (11) of rule 7]

Name of district.....
Name of Panchayat Samiti.....
Number of primary members present.....

Number of persons to be co-opted :

- (a) Women
- (b) Scheduled Castes
- (c) Office bearers of Co-operative Societies.

Name and full address of persons co-opted :

(a) Women:

- (1)
- (2)

(b) Scheduled Castes:

- (1) ..
- (2)

(c) Office bearers of Co-operative Societies:

- (1)
(2)

Date:

Signature of Presiding Officer".

10. For the existing Form 'E' appended to the said rules, the following shall be substituted, namely:—

Substitution of Form 'E'.

"FORM 'E'
(See rule 9)

Name of district.....
Name of Panchayat Samiti
Date, time and place of meeting.....
Number of primary members present.....

1.
2.
3.
4.
5.
6. ..
7. etc."

Names of persons, if any, co-opted without election:

(a) Women (b) Scheduled castes (c) Office bearers of Co-operative Societies

- (1) (1) (1)
(2) (2) (2)

Name of person co-opted by election:

(a) Women (b) Scheduled Castes (c) Office bearers of Co-operative Societies

- (1) (1) (1)
(2) (2) (2)

Signature of Presiding Officer."

Signature or thumb-impression with name of primary members present and permitted by the Presiding Officer to affix his signature or thumb-impression.

- (1)
(2)
(3)

आदेश द्वारा,
हस्ताक्षरित/-
सचिव ।

नियन्त्रक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-5 द्वारा मुद्रित तथा प्रकाशित ।